

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 636

Introduced by Assembly Member Jones

February 25, 2009

An act to amend Section 5387 of the Public Utilities Code, relating to charter-party carriers.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as amended, Jones. Charter-party carriers: busdrivers.

(1) The Passenger Charter-Party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act makes it unlawful, among other things, for the owner of a charter-party carrier of passengers to permit the operation of any vehicle upon any public highway for compensation without having obtained from the commission a certificate or permit, as specified, pursuant to the act.

This bill would require the commission to permanently revoke the authority of a charter-party carrier *that operates a bus without having been issued the proper permit from the commission or that knowingly employs a busdriver who does not have has not been issued the required license or endorsement, endorsement, or certificate* to drive a bus and would permanently prohibit a person who drives a bus for a charter-party carrier without *having been issued the proper driver's license or endorsement, endorsement, or certificate* from driving a bus of any kind.

The bill would also require an officer of the Department of the California Highway Patrol who stops or inspects a bus of a charter-party carrier *that is operating a bus without having been issued the proper permit from the commission or that is being driven by a driver who does not have in his or her possession to whom the appropriate license or endorsement, endorsement, or certificate has not been issued*, to impound the bus.

(2) Under existing law, a violation of the Passenger Charter-Party Carriers Act, or a violation of an order or direction of the commission issued pursuant to the act, is a crime.

Because the provisions of this bill would be a part of the act and because a violation of those provisions or of an order or decision of the commission implementing those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5387 of the Public Utilities Code is
2 amended to read:
3 5387. (a) It is unlawful for the owner of a charter-party carrier
4 of passengers to permit the operation of a vehicle upon a public
5 highway for compensation without (1) having obtained from the
6 commission a certificate or permit pursuant to this chapter, (2)
7 having complied with the vehicle identification requirements of
8 Section 5385, 5385.5, or 5385.6, and (3) having complied with
9 the accident liability protection requirements of Section 5391.
10 (b) A person who drives a bus for a charter-party carrier without
11 *have been issued* the proper driver's license ~~or~~, endorsement, *or*
12 *certificate* shall be permanently prohibited from driving a bus of
13 any kind, including, but not limited to, a bus, schoolbus, school
14 pupil activity bus, or transit bus, and from receiving a license or
15 endorsement that would permit the driving of any bus.

1 (c) A charter-party carrier *that operates a bus without having*
2 *been issued the proper permit from the commission or that*
3 knowingly employs a busdriver who ~~does not have~~ *has not been*
4 *issued the required license or, endorsement, or certificate to drive*
5 a bus shall have its authority as a charter-party carrier permanently
6 revoked by the commission.

7 (d) When an officer of the Department of the California
8 Highway Patrol stops or inspects a bus of a charter-party carrier
9 *that is operating a bus without having been issued the proper*
10 *permit from the commission or that is being driven by a driver who*
11 ~~does not have in his or her possession to whom the appropriate~~
12 ~~license or, endorsement, or certificate has not been issued,~~ the bus
13 shall be impounded for 30 days pursuant to the provisions and
14 procedures for the impoundment and release of vehicles under
15 Section 14602.6 of the Vehicle Code. *The charter-party carrier*
16 *shall have a right to an expedited hearing by the commission.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.